

Hard road to justice

China's workers are facing crucial issues of health, livelihood and an uncaring management. They are increasingly fed up and are fighting back. Here are a few of their stories.

Desperate protest Huang Qunyue

Huang Qunyue and his three

colleagues just wanted their old jobs back. What they got was stone-walling, harassment and intimidation.

The four workers were long-standing employees of the state-owned power company in Hunan's Ningyuan County. They had good, stable jobs with decent benefits, but lacked a formal labour contract. In 2007 the power company tried to bypass new legislation compelling a formal contract. It secretly reassigned the workers to a subsidiary as temporary dispatch workers.

The first Huang knew about the move was early in 2008 in the middle of the worst winter storm to hit southern China in decades. The big freeze downed power lines and left rural communities in Hunan without electricity for weeks on end. Huang and his colleagues worked day and night for months getting the province back on line. It was not until May that they had time to petition the authorities about getting their old jobs back.

Petitioning is the traditional form of grievance redress in China – citizens appeal to higher-level officials for justice. This got the workers nowhere. The power company even claimed they used work time to petition and fired them outright. Huang and his colleagues vigorously

deny the charge.

They then tried to file a lawsuit to get their jobs back but were told workers did not have the right to file a civil lawsuit against a state-owned enterprise. Two of them were then attacked by a large group of unknown assailants while at work and sustained head injuries.

It was all too much. Huang and three colleagues decided to travel to Beijing in the hope that the capital's residents were 'a better sort of people, with a strong sense of justice'.

Their protest outside the gates of the prestigious Tsinghua University was designed, according to Huang, to 'demonstrate our absolute resolve in protesting the violation of our rights by our employers, and the inability of the judicial system to deliver justice'. Each worker in turn cut off the tip of his little finger.

The protest failed. Their wounds untreated, they were unceremoniously bundled back to Hunan by several local officials, including the county's deputy police chief, who bluntly informed them: 'I am the law.'

The workers were placed in 'administrative detention' for two weeks and warned to stop their protesting. Huang is currently suing the local police for illegal detention.



Siu Chiu / Reuters

Honda workers demand better pay and democratic unions: 500 striking autoworkers sparked a strike wave that shook south China in the summer of 2010.

An activist is born Ruan Libing

It happened on the night shift

of 10 June 2009 at the Elec-Tech plant (a Walmart supplier) in Zhuhai on the south China coast. Ruan Libing had been there for less than a month, and, without any prior training, he was assigned to operate antiquated and dangerous plastics moulding machinery that had already injured several workers. At midnight, his left hand was crushed in the 60-ton-machine. He was taken by his employer to a nearby hospital where, without his consent, his hand was amputated at the wrist. At the age of 21, Ruan's working life was basically over.

After his level of disability was assessed and determined by the local government's Labour Department, he was given 21,000 yuan (\$3,182) from the state work-related injury insurance fund. His employer agreed another 90,000 yuan (\$13,677), the minimum legal

requirement. It sounded like a lot of money for a young migrant worker, whose impoverished parents lived in a cowshed in rural Hunan province.

But the total sum would fall far short of supporting Ruan for the rest of his life. Getting married and starting his own family would be out of the question.

With the help of his cousin, Ruan arranged for a lawyer to take on his case and press for additional compensation. Ruan's lawyer argued that his client was entitled to higher compensation because of Elec-Tech's negligence and Ruan's extreme difficulty in finding future employment. The company's lawyers simply laughed off the charges.

Although Ruan lost the first trial, he continued to press his case, appealing to a higher court. At the end of October 2010, the company

offered an additional 130,000 yuan (\$19,818) on condition that he drop the lawsuit. Although it was only about half the amount he was seeking, Ruan realized it was probably the best deal he was ever going to get.

During his ordeal, Ruan was transformed from a shy, young man ashamed of his injury into a determined labour activist, pushing local journalists to cover his story and even organizing a theatre performance with fellow Elec-Tech amputees, designed to publicize the appalling working conditions at the factory.

The performance, which would have shown the amputees labouring in a prosthetic limb factory, was cancelled after Elec-Tech moved to improve safety at the plant and pay additional compensation to those former employees who agreed to abandon such agit-prop theatre.

Black death Xiao Huazhong

Xiao Huazhong is a retired

coalminer, stricken with terminal stage pneumoconiosis (black-lung disease). In June 2010 he was finally awarded 136,000 yuan (\$20,600) in occupational illness compensation in a court-mediated settlement.

The award was significantly less than he was legally entitled to. But after fighting for more than three years Xiao was massively in debt. He decided to take the deal.

Xiao, who is now 62, comes from a poor rural family in Qu county, in Sichuan Province. He was up against his former boss, Liao Xing'an, a local coal baron and one of the most powerful men in the county. Liao, who had the support of his friends and allies in the local government and courts, adamantly refused to pay Xiao more than a few thousand yuan in compensation.

Xiao filed a lawsuit for occupational illness compensation and continuing medical treatment costs on 11 September 2008. He lost the first round but filed an appeal with the Dazhou Municipal

Intermediate People's Court.

Five days before the hearing, Xiao was ordered by village chiefs to attend a 'mediation meeting' at which he was pressured to drop his lawsuit. He claims the deputy village head told him:

'Don't sue; you are poor and sick, the government issues annual hardship allowances. It will provide 300-400 yuan (\$45-60) to tide you over the New Year Festival. Next year you will get a basic subsistence allowance. But if you still want to sue, we will charge you with making malicious accusations and lock you up!'

Undeterred, Xiao persisted. On 5 January 2009, Xiao telephoned the presiding judge to discuss the case and was advised to drop his lawsuit.

Despite these legal setbacks, Xiao and his family kept pushing. Early in 2010, Xiao's son contacted labour activist Zhang Haichao, himself a victim of pneumoconiosis. Zhang had gained nationwide fame and sympathy the previous year by voluntarily undergoing open-chest surgery to prove the restriction in

his lungs due to deposits of mineral dust. He had been misdiagnosed by a government hospital.

Zhang visited Xiao at the West China No 4 Hospital in May and promised: 'Don't worry, Uncle Xiao. We will help you get justice.'

Because of Zhang's fame, the case was soon picked up by the national media and even received prominent coverage by China Central Television. The reports highlighted problems migrant workers with no formal employment contract have in obtaining compensation for work-related injury and occupational illness. This exposé finally brought some results. Under the glare of publicity Liao and his local government supporters were forced to make an accommodation. Although the settlement was not ideal, at least it was sufficient to provide care for Xiao in his last years. Xiao's son has now become active in the fight for justice for other victims of occupational illness in China. Such victims are currently estimated at well over a million.

These stories are from the files of the Hong Kong-based **China Labour Bulletin** who have supported these and many other Chinese workers in their fight for justice.